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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Situation of human rights in the Sudan

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the interim report on the situation of human rights in the Sudan prepared by Mr. Gáspár Bíró, Special Rapporteur of the Commission on Human Rights, in accordance with Commission resolution 1993/60 of 10 March 1993 and Economic and Social Council decision 1993/272 of 28 July 1993.

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ANNEX

Interim report on the situation of human rights in the Sudan prepared by Mr. Gáspár Bíró, Special Rapporteur of the Commission on Human Rights, in accordance with Commission resolution 1993/60 of 10 March 1993 and Economic and Social Council decision 1993/272

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I. INTRODUCTION

A. Mandate of the Special Rapporteur

1. The situation of human rights in the Sudan was discussed by the Commission on Human Rights at its forty-seventh session, in 1991, under the confidential procedure established by the Economic and Social Council in its resolution 1503 (XLVIII) of 27 May 1970. It continued to be discussed under the confidential procedure at the Commission's sessions in 1992 and 1993. At its forty-ninth session, in 1993, the Commission on Human Rights decided, in its resolution 1993/60 of 10 March 1993, entitled "Situation of human rights in the Sudan", that the situation of human rights in the Sudan should be examined under the public procedure.

2. In resolution 1993/60, the Commission noted with deep concern reports of grave human rights violations in the Sudan, particularly summary executions, detentions without trial, forced displacement of persons and torture; noted the announcement by the Government of the Sudan of its intention to constitute an independent judicial inquiry commission to investigate the killings of Sudanese employees of foreign relief organizations; also noted the widespread conditions of armed conflict existing within the Sudan; expressed its deep concern that access by the civilian population to humanitarian assistance had been impeded; and expressed its alarm at the mass exodus of refugees into neighbouring countries and the large number of internally displaced persons and victims of discrimination in the Sudan.

3. In the resolution, the Commission urged the Government of the Sudan to respect fully human rights and called upon all parties to cooperate in order to ensure such respect. It called upon the Government of the Sudan to comply with applicable international human rights instruments and to ensure that all individuals in its territory and subject to its jurisdiction, including members of all religious and ethnic groups, enjoy fully the rights recognized in these instruments. Further, it called upon all parties to the hostilities to respect fully the applicable provisions of international humanitarian law to halt the use of weapons against the civilian population and to protect all civilians from violations, including displacement, arbitrary detention, ill-treatment, torture and summary execution, and strongly urged all parties to the conflict to redouble their efforts to negotiate an equitable solution to the civil conflict. The Commission called upon the Government of the Sudan to ensure a full, thorough and prompt investigation by the independent judicial inquiry commission of the killings of Sudanese employees of foreign relief organizations, to bring to justice those responsible for the killings and to provide just compensation to the families of the victims. In addition, all parties were called upon to permit international agencies, humanitarian organizations and donor Governments to deliver humanitarian assistance to the civilian population.

4. Also in the resolution, the Commission on Human Rights requested its Chairman to appoint a special rapporteur to establish direct contact with the Government and with the people of the Sudan and to investigate and report on the situation of human rights in the Sudan, including any progress made there towards the full restoration of human rights and compliance with international human rights instruments and international humanitarian law. The Special Rapporteur was requested to seek and receive credible and reliable information

from Governments, non-governmental organizations and any other parties who have knowledge of these matters and to report his findings and recommendations to the General Assembly at its forty-eighth session and to the Commission on Human Rights at its fiftieth session. For its part, the Government of the Sudan was called upon to extend its full and unreserved cooperation and to assist the Special Rapporteur in the discharge of his mandate, and, to this end, to take all necessary steps to ensure that the Special Rapporteur has free and unlimited access to any person in the Sudan whom he wishes to meet.

5. On 30 March 1993, the Chairman of the Commission on Human Rights appointed Dr. Gáspár Bíró (Hungary) as Special Rapporteur on the situation of human rights in the Sudan, pending approval of Commission on Human Rights resolution 1993/60 by the Economic and Social Council.

6. At its substantive session of 1993, the Economic and Social Council, by its decision 1993/272, approved Commission resolution 1993/60.

7. In taking up his task to study the situation of human rights in the Sudan, the Special Rapporteur has respected the terms of Commission resolution 1993/60. In this regard, it is to be noted that in the resolution the Commission not only addresses the Government of the Sudan, but also contains references to the armed conflict within the Sudan and all parties involved in it. The Special Rapporteur will also address therefore human rights abuses committed by parties other than the Government of the Sudan, though it is clear that the Government of the Sudan, claiming sovereignty over the whole territory of the State, is bound to respect the human rights obligations and is to be held responsible should it not abide by these obligations.

8. The resolution does not contain any indication of the period of time during which violations to be studied may have occurred. The Special Rapporteur has therefore decided to concentrate in the final report on violations which have occurred after 30 June 1989, since this is the date when the present Government came to power.

9. In the present interim report, the Special Rapporteur has decided to concentrate on a selection of grave violations which were either reported since the adoption of resolution 1993/60 or concern cases for which new information and evidence were gathered during the mission in September 1993. Since a visit to the areas controlled by the Sudan People's Liberation Army (SPLA) in the Nuba Mountains was not possible, the interim report will mention only the most serious allegations concerning abuses committed by SPLA in these zones which were received in person by the Special Rapporteur. Also, the circumstances of the September mission were not appropriate for a thorough investigation of reports on violations of human rights by different SPLA factions in southern Sudan, although several reliable reports and information were already gathered in this respect. To clarify this situation and in order to be able to fulfil the mandate properly, a second mission is necessary before submitting the final report to the Commission.

B. Activities of the Special Rapporteur

10. On 23 July 1993, the Special Rapporteur was received by the Permanent Representative of the Sudan to the United Nations Office at Geneva, Mr. Ali Ahmad Sahlool. At the meeting, the Permanent Representative expressed the intention of the Government of the Sudan to respect decisions of the United Nations. With regard to the situation of human rights, he emphasized the complexity of the situation and expressed his view that to the extent that human rights violations were committed, they took place in a state of war. The Permanent Representative therefore encouraged the Special Rapporteur to pay a thorough visit to the Sudan, covering also SPLA-controlled areas and the Nuba Mountains, as soon as his mandate would be approved. The Special Rapporteur on his part assured the Permanent Representative of his intent to carry out his mandate in the most impartial and objective manner.

11. Following the approval of the mandate by the Economic and Social Council, the Special Rapporteur addressed a letter dated 29 July 1993 to the Minister for Foreign Affairs of the Sudan, requesting an official visit to the country. Upon the invitation of the Government of the Sudan, conveyed by a letter dated 9 August 1993 from the Permanent Mission of the Sudan at Geneva, the Special Rapporteur visited the country from 11 to 23 September 1993.

12. During this visit, the Special Rapporteur spent seven days at Khartoum, four days in the Government-controlled areas in the Nuba Mountains and two days in the city of Wau. From Khartoum, the Special Rapporteur visited the camps of Jabal Awliya for displaced persons and squatters, the children's camp of Abu Dom, the women's prison in Omdurman and the federal prisons in Port Sudan and Sawakin. On his way to the Nuba Mountains he also visited the prison in El-Obeid. In the Nuba area, he stayed in Dilling and Kadugli, from which he made trips to several surrounding villages and so-called "peace camps". In Wau, the Special Rapporteur paid visits, inter alia, to the prison and the displaced-persons camps.

13. In the course of his mission, the Special Rapporteur was received by several government authorities, including the Minister of Justice and Attorney General, Mr. Abdel Aziz Shiddo; the Commissioner General of the Unified Police Force, Major-General Hassan Ahmad Siddiq; the Minister of Housing and Public Utilities and Minister of Health and Director General, Displaced Persons Department, Khartoum State, Mr. Sharaf Al-Din Banada; the State Minister for Foreign Affairs, Mr. Gabriel Roric; the Chief Justice, Mr. Jalal Ali Lotfi; the Commissioner of Relief and Rehabilitation, Mr. Awad Khalifa; the Deputy Secretary-General of the National Conference, Mr. Al-Shafi'a; High Court Judge, Mr. Mohammed Hamad Abu Sin; the State Minister for Presidential Affairs, Mr. Ghazi Salahuddin Atabani; Commissioner of Voluntary Work, Mr. Abdul Rahman Abu Dom; and the Commissioner for Refugees, Mr. Abdul Rahman Sir Al-Khatim.

14. The Special Rapporteur also met with Ms. Muna Farida, Head of the Appeal Court of Khartoum State.

15. Furthermore, a meeting was arranged with the Secretary General of the Popular Arab and Islamic Conference, Mr. Hassan Al-Turabi.

16. The Special Rapporteur also had meetings with the Sudan Council of Churches, the Sudanese Women's General Union, the Sudan Council of Voluntary Agencies and several representatives of national, Islamic and international humanitarian organizations.

17. In addition to the above, the Special Rapporteur met the following representatives of banned political parties: Mr. Sadiq Al-Mahdi, former Prime Minister; Sid Ahmed Al-Hussein, Secretary of the Democratic Unionist Party; Mohammed Ibrahim Nugud, Secretary General of the Sudanese Communist Party; Samuel Aro Bol, President of the Southern Sudanese Political Association; and Aliaba James Surur, President of the Progressive People's Party.

18. At Khartoum, the Special Rapporteur met a further 41 individual citizens. The Special Rapporteur had free and private talks with 18 detainees and 10 children in the children's camp Abu Dom.

19. Subsequent to his visit to the Sudan, the Special Rapporteur paid a visit of six days to Kenya, from 24 to 29 September 1993. There he had meetings with representatives of the SPLA-Torit and the SPLA-United, several United Nations specialized agencies and international non-governmental organizations, together with relevant individuals. He also visited the UNHCR refugee camp, Kakuma, in order to hear testimony from Sudanese refugees. From Kenya, the Special Rapporteur was able to visit different locations in the SPLA-controlled areas in the Sudan, where he received oral testimonies as well.

20. From Kenya, the Special Rapporteur travelled to Egypt where he spent two days, 30 September and 1 October 1993, at Cairo. At Cairo, the Special Rapporteur had meetings with the Sudan Human Rights Organization, the Arab Lawyers Union, representatives of the National Democratic Alliance, trade unionists, the Sudan Women's Forum and the Nuba Mountains Organization Abroad. The Special Rapporteur also received many personal testimonies from Sudanese exiles who claimed to be victims of human rights violations. During his visit to Cairo the Special Rapporteur also met with the Ambassador of the Sudan in Egypt. Furthermore, four Sudanese students with bursaries in Egypt came to see the Special Rapporteur on their own initiative.

21. On 15 October 1993, a second meeting took place with the Permanent Representative of the Sudan to the United Nations Office at Geneva.

22. In carrying out his task, the Special Rapporteur sought and received information from different sources. Oral testimonies were received from victims and eye-witnesses of alleged human rights violations. The Special Rapporteur also received a significant amount of information in the form of written reports and testimonies, documents, photographs and videotapes from various non-governmental organizations and individuals. From the Government of the Sudan, the Special Rapporteur received considerable documentary information.

23. In the course of his mission and thereafter, the Special Rapporteur addressed three letters to the Minister of Justice, dated 12 September, 16 September and 6 October 1993, citing concrete allegations and asking for explanations. In a letter dated 22 September 1993 from the Minister of the Interior, which was received through the Minister of Justice, the Government of the Sudan replied to the letter of 16 September 1993 concerning the living

conditions in the women's prison in Omdurman. Relevant parts of the correspondence are summarized in section III. In most cases, the Special Rapporteur is, however, still waiting for explanations. By a note verbale dated 18 October 1993 (see appendix), the Permanent Mission of the Republic of the Sudan informed the Centre for Human Rights of the establishment of the Higher Coordinating Council for Human Rights and an office to receive complaints on abuses by the security forces.

24. The Government of the Sudan cooperated with the Special Rapporteur by arranging the meetings he had requested. The meeting with the President, although it was initially in the official schedule, was cancelled in the last moment. The Government of the Sudan further facilitated visits to the locations the Special Rapporteur wished to see. No objections were raised by the Government of the Sudan against a visit to the SPLA-controlled areas in southern Sudan and the Nuba Mountains. From the side of SPLA, full cooperation was granted for the travel in the areas controlled by them. However, as a consequence of security considerations, it was decided to cancel the visit to the SPLA-controlled part of the Nuba Mountains. In this respect, it is to be noted that the Government of the Sudan, despite the fact that it conveyed orally that it had no objections to such a visit, did not reply to an official request for approval of the flight.

25. On 23 September 1993, four women, who had just met with the Special Rapporteur, were arrested by the Sudanese police in front of the United Nations office. The Special Rapporteur witnessed two women being dragged on the street and forced into a police vehicle. A few minutes later the police arrested, in the view of many witnesses, a group of about 25 persons, mainly women, who had been waiting in front of the United Nations office to meet the Special Rapporteur.

26. Having invited the Special Rapporteur to visit the country, the Government of the Sudan implicitly accepted the terms of reference set out for human rights missions, including assurances by the Government that no persons, official or private individuals, who had been in contact with the Special Rapporteur in relation to his mandate would for this reason suffer threats, harassment or punishment or be subjected to judicial proceedings. However, the Special Rapporteur has received reliable information that several persons who met with him have been questioned and arrested by police and security forces. Details of these incidents may be found in section III below.

II. LEGAL FRAMEWORK

A. General obligations of the Government of the Sudan

27. The obligations under international law which the Sudan is bound to respect reside, in the first place, in the international instruments to which the Sudan has acceded. As a Member State of the United Nations, the Sudan is therefore bound by the Charter of the United Nations. Further, it is obliged to respect the human rights and fundamental freedoms of all persons within its territory, as contained, inter alia, in the following instruments to which the Sudan has become a party: the International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the

International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Rights of the Child; the Slavery Convention, as amended; the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery; the Convention relating to the Status of Refugees and its additional protocol.

28. As a member of the International Labour Organization, the Sudan has ratified its conventions concerning Forced Labour (No. 29), the Abolition of Forced Labour (No. 105), the Right to Organize and Collective Bargaining (No. 98), Employment Policy (No. 122) and Discrimination in respect of Employment and Occupation (No. 111).

29. On 23 September 1957, the Sudan became a party to the four Geneva Conventions of 1949, containing humanitarian rules for armed conflicts.

30. Further, it is to be noted that the Sudan signed the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. Although the signature has not yet been followed by ratification, the Sudan has, by signing, shown the intention to accept these conventional obligations and, under customary international law as reflected in the Vienna Convention on the Law of Treaties, is obligated not to do anything which would defeat the object and purpose of the Convention against Torture, pending a decision on ratification.

31. In addition to the obligations arising from conventional international law, the Sudan is also bound to respect the standards of international customary law.

B. The context of violations

32. In this interim report, the Special Rapporteur does not address all the allegations which have been brought to his attention. In his report to the Commission on Human Rights at its fiftieth session he will, however, report fully on all allegations concerning human rights violations in the Sudan. His final report will also include the following issues: slavery, slave trade and other institutions and practices related to slavery; the death penalty and other penalties inconsistent with the provisions of international norms as contained in international documents binding on the Government of Sudan; freedom of movement and residence; the right to leave the country or to return; nationality; displacement; arbitrary interference with privacy; freedom of conscience; freedom of expression, association and peaceful assembly; the rights of the child and the rights of women; and the right to education and to enjoy culture.

33. Directly linked to the armed conflict is the refugee problem and the problem of displacement. Deliberate attacks against the populations in the conflict zones have forced many civilians to leave their homelands. According to World Refugee Survey 1993, 5 million Sudanese have been internally displaced by the conflict and natural disasters. There are 263,000 Sudanese refugees living in Zaire, Uganda, Kenya, the Central African Republic and Ethiopia, according to World Refugee Survey 1993. In his report to the Commission on Human Rights on internally displaced persons, 1/ the Representative of the Secretary General on internally displaced persons mentions the figure of 5 million displaced Sudanese. He states further that about 500,000 have been

forced to seek refuge in neighbouring countries. The Special Rapporteur visited several camps for displaced persons in the north and the south of the country. He also visited the refugee camp Kakuma in Kenya, where 28,967 refugees lived as at 20 September 1993.

34. Among the victims of violations are members of banned political parties, trade unionists, journalists, civil servants, students, Christians, members of Islamic religious orders, people from southern Sudan and Nuba. In so far as the Special Rapporteur received allegations regarding the whole range of human rights recognized by the United Nations, he has concluded that almost all aspects of life are concerned.

III. REPORTED HUMAN RIGHTS VIOLATIONS

A. Northern and southern Sudan

1. Extrajudicial killings and summary executions

35. Reports on extrajudicial killings and summary executions were received by the Special Rapporteur from different independent sources. The most serious case reported was the arrest, disappearance and killing of hundreds of civilians and army officers following an SPLA attack on Juba in June and July 1992. Employees of foreign relief organizations were also victims of reprisals.

36. In November 1992 the Government established a committee to investigate the Juba incidents. In June 1993, the committee reportedly announced that it would submit its report to the Government at the end of the month. In a meeting with the Chairman of the committee, the Special Rapporteur inquired about the results of the investigation. The Chairman replied that the committee had already studied many documents and had also paid a four-day visit to Juba in April 1993. The information gathered was, however, not sufficient for a thorough investigation, he said. The committee therefore considered it necessary to visit Juba a second time. But owing to a shortage of fuel for air transport, this visit had not yet taken place. The Special Rapporteur asked about the number of sentences pronounced by special military courts, which reportedly were set up and operated in Juba after June 1992. The Chairman of the committee was not able to provide any answer to this question, although according to information provided before by other authorities, in such cases, capital sentences pronounced by special courts were to be referred to Khartoum to be confirmed by the head of the State. The Special Rapporteur attached to the letter dated 12 September 1993 to the Ministry of Justice a list of 230 names of individuals who were allegedly arrested in Juba between June and August 1992. The whereabouts of the majority of them remain unknown and fears have been expressed that many of them have been extrajudicially or summarily executed. During the meeting with the Chairman, the Special Rapporteur emphasized the great concern of the international community regarding this specific case and the need for a complete and public clarification of the issue. Although the above-mentioned events took place before his appointment, the Special Rapporteur decided to mention this case because during his September mission and in the weeks thereafter reliable information was received indicating that the practice of extrajudicial killings, summary executions, arbitrary arrests and detention

without trial continued during 1993 in Juba and surrounding villages under the control of the Government of the Sudan.

37. Many reports have been received concerning indiscriminate and deliberate aerial bombardments by government forces of civilian targets, e.g., camps for displaced persons, in the SPLA-controlled areas. During an attack on 5 August 1993, government forces bombarded the town of Kaja and surroundings, including the displaced persons camps for displaced persons of Yundu and Dudulabe. The Special Rapporteur received consistent testimonies from people who had managed to escape the attacks on the Yundu camp for displaced persons. They reported that the bombardments started in the morning and were followed in the afternoon by attacks by ground forces, which entered the camp shooting indiscriminately in all directions, killing and injuring many people. People started to run and several were killed in their flight.

38. Joint forces of Arab militia and the official paramilitary Popular Defense Forces have reportedly killed hundreds of civilians along the railway tracks between Babanusa and Wau, in northern Bahr Al-Ghazal. In February-March 1993, armed troops on horseback preceded a train moving slowly from Babanusa to Wau. As the train proceeded, the troops raided the villages along the railway, looted cattle, burnt houses, granaries and fields, abducted women and children (later reportedly released) and killed civilians who resisted. A witness gave the Special Rapporteur the following account:

> "The railroad tracks pass next to where I live. In February 1993, a train heading towards Wau came and everybody ran away when they heard it coming. Soldiers were walking on each side of the train and were shooting on the area and sometimes torching houses. When we returned, we found the dead bodies of Alaio, a cousin from my mother's side, and of Mojok, a married man with one son, who was a cousin on my father's side."

39. In July-August 1993, it was reported that another train coming from Babanusa was on its way to Wau. Paramilitary forces, armed with guns and riding their horses some miles ahead of the train, reportedly raided the neighbouring areas between the stations Aweil and Gette within a range of approximately 14 miles. It should be noted that the local authorities in Wau, including the Vice-Governor, were informed about these events. The Special Rapporteur also wishes to point out that this is only a summary account and that the whole issue will be developed in all its details in the final report.

2. Enforced or involuntary disappearances

40. Several reports on enforced or involuntary disappearances during 1993 have been brought to the attention of the Special Rapporteur. Some refer to cases of persons who were arrested by security officers and subsequently taken to one of the secret detention centres, known as "ghost houses". On the way to these detention centres, the arrested were reportedly blindfolded so that they could not orient themselves. In the "ghost houses", they were subjected to severe torture for a period of a few weeks to several months, completely cut off from the outside world. Family members were not informed about their fate and whereabouts. Some of those reported "disappeared" could later be located through contacts or because they were released or sentenced and taken to a

normal prison with the knowledge of their family. Some others are reportedly still "disappeared", like Sayed Omer Awad Abu Garja, ex-employee of the Forests Administration, whose case was taken up by the Working Group on Enforced or Involuntary Disappearances. It was reported that he was arrested in June 1993 in Damazeen. On 15 July, he was reportedly detained in an alleged "ghost house", house No. 114, near the electricity administration building in Wad Medani. He was reportedly in poor health and bore marks of torture. Allegations have been received that he was transferred to a prison in Khartoum, but to date the authorities have not disclosed his present whereabouts. Most of the cases of disappearances reported for the last four years still remain unclarified.

3. Torture and other cruel, inhuman or degrading treatment

41. The Special Rapporteur has received numerous reports indicating widespread and systematic torture and ill-treatment of political detainees by Sudanese security forces. Some of these reports were corroborated by testimonies the Special Rapporteur received in person during his mission.

42. Detainees were often reportedly subjected to torture immediately after their arrest. Torture is said to be particularly common in the security offices and the secret detention centres, the "ghost houses". In the conflict zones, torture is reported in particular in the military detention centres.

43. The methods of torture and ill-treatment which are reportedly used include kickings; beatings with truncheons, plastic tubes and whips; pouring of hot and cold water on the body; burnings; electric shocks, also on sensitive parts of the body; deprivation of food, water and rest; denial of medical care; threats of disappearance; and mock executions. Some of the persons interviewed said that they had been severely kicked and beaten in front of their family members before being taken away.

44. Degrading treatment has also been reported. One witness told the Special Rapporteur that he had been forced to lie and move in the mud and was not allowed to wash himself for one week. Another time, he was put in a row with other prisoners and given a handful of sorghum. He had to count the sorghum and hand it over to the next in the row, who had to count it again and then hand it over, etc. If there was a discrepancy in the counting, the person would be subjected to severe beating and kicking.

45. Reports have also been received on a method of harassment in the northern part of the country, in particular in Khartoum. People suspected of oppositional activities against the Government are called to a security office for questioning in the morning. There they are made to wait until the end of the day without being questioned and often without being given food or water. At the end of the day they are sent home and ordered to come again the next day. This method of harassment, constituting a restriction of the freedom of movement, is often said to continue for several weeks to several months. This practice was generalized during the last year, reportedly starting with the last trade-union election.

46. At the end of April this year, the authorities reportedly arrested 15 persons suspected of plotting against the Government. Some of them, including Colonel Mustapha Ahmed Al-Tai and Osman Mustapha Mahjoub, were shown on Sudanese television on 26 April 1993. In order to verify the information received, the Special Rapporteur had requested the Government, during his mission, to see some of the persons who were allegedly involved in a coup d'état. However, his request remained unánswered.

47. Serious reports of torture and ill-treatment have been received on the case of retired Brigadier Mohammed Ahmed Al-Rayah, who was reportedly arrested by security forces on 20 August 1991 and sent to Sawakin prison. When visiting Sawakin prison, the Special Rapporteur requested to see Al-Rayah. The Director of the prison confirmed that Al-Rayah had been detained there, but said that he was transferred for one week to Kassala prison. However, after one week he was to be taken back to Sawakin. Regarding the sentence, the Director said that Al-Rayah had been sentenced to 10 years' imprisonment charged with rebellion. The Special Rapporteur also raised the case in a letter dated 12 September 1993 to the Minister of Justice. A reply has yet to be received. In this connection, the Special Rapporteur notes that he has received information indicating that just before his visit to Sawakin prison about seven prisoners were kept separately.

48. Another report concerned the death under torture in December 1992 of Camillo Odongi Loyuk, an elderly man and former army officer who was arrested in Khartoum in August 1992. He was reportedly tied to the bars of a window with his arms and legs apart. A rope with a noose was then tightened around his testicles. Thereafter he was reportedly beaten to death.

49. During his mission, the Special Rapporteur visited the women's prison of Omdurman and the prisons of Port Sudan, Sawakin, Al-Obeid, and Wau. With regard to the prison conditions, it appeared that the quality of food and sanitation do not meet the minimum standards of hygiene. Food was sometimes served on an irregular basis. In Wau, prisoners were reportedly denied food for several days a week. The poor hygienic conditions were said to cause different types of illnesses. In many cases, medical care seemed to be insufficient or even absent. In the prison of Wau, prisoners sleep on the floor. In the prison, the floors would get wet during the rainy season, depriving people of a dry place to sleep. In all prisons visited, flogging and beating was reported.

50. Having visited the women's prison in Omdurman, the Special Rapporteur addressed a letter dated 16 September 1993 to the Minister of Justice, in which he expressed his concerns about the prison conditions. He referred, in this respect, especially to the large number of prisoners who have their babies with them. In a reply dated 22 September 1993 from Staff Brigadier Eng. Abdul Rahim Muhammed Hussein, Minister of the Interior, which was sent through the Minister of Justice, the Minister of the Interior said that he had issued instructions for urgent measures in order to improve the food and sanitary conditions. Other instructions concerned the insurance of the welfare of the children of the female prisoners and the establishment of a fact-finding commission to investigate the allegations of beatings and ill-treatment. The Minister of Interior further wrote that an amount of 5 million Sudanese pounds had been appropriated for urgent maintenance of the prison. The Special

Rapporteur welcomes the above-mentioned measures and looks forward to viewing the improvements during a subsequent visit to Omdurman prison.

4. Arbitrary arrest and detention, and due process of law

51. Information received by the Special Rapporteur indicates that arbitrary arrest and detention is routinely practised. Many incidents of arrests without warrant by the security forces have been brought to the attention of the Special Rapporteur. He received testimonies from several persons who had remained for weeks or months without charge in the so-called "ghost houses". Family members were not informed about the place of detention.

52. The Special Rapporteur considers - based on information received from competent government agencies as well as from those directly concerned - that the practice of collecting so-called street-children all over Khartoum remains unclarified. It is not at all clear what procedure is followed, in fact, in such cases; who is in charge of the operation; which are the criteria on which a child is qualified as a "street-child", "vagrant", "orphan" or "abandoned"; what the exact purpose is of moving these infants to camps in remote areas far from the capital; or what will happen after they are released. Allegations received in the form of written and oral testimonies claim that most of these cases are, in fact, arbitrary arrests and detention without due process of law. Government officials provided the Special Rapporteur, for instance, with the text of the Juvenile Act. The English translation of this Act, entitled the Juvenile Welfare Act, provided by the Ministry of Justice, contains very clear language. Unequivocal definitions are given, inter alia, to the following concepts: "juvenile", "vagabond", "delinquent", "welfare home" and "reformatory homes". According to article 4 (g) of this Act, the Juvenile Police is competent to "arrest the vagabond or the delinquent and keep him in the remand home". According to article 2 of the same Act, a "vagabond" means "a juvenile exposed to deviation or who is homeless or unable to specify his place of living, or unable to guide the police to his guardians or cannot give enough information about himself or practising and without prejudice to the generality of the foregoing, a juvenile is a vagabond if he: (a) sleeps in roads; (b) is idle with no guardians; (c) is astray and does not obey his parents or whoever takes care of him; (d) is a beggar; (e) practices dealing with prostitution, corruption or immorality; (f) is closely associated with suspects deviated or criminals". In accordance with this law, juvenile courts were created in order to "see the cases of vagabondry and delinquency which the juvenile is accused of". The rules of procedure are established by the same Act. However, the exact date of the adoption of this law does not appear on the copy provided by the Ministry of Justice. No specific reference was made to this Act during the visit to the camp. The explanation provided to the insistent question of the Special Rapporteur to what happened actually when a child was collected, was unsatisfactory and contradictory. For instance, it was mentioned that these operations are carried out sometimes also by non-governmental organizations and that the whole issue is motivated mainly by humanitarian purposes and not by delinquency or vagabondry. At the same time the Director of the children's camp of Abu Dom, 100 km north of Khartoum, said that the children were often found sleeping on the street, sniffing glue or drinking alcohol. They would be taken to a reception camp called Soba near Khartoum, where the authorities would try to trace their family members. If, after one week, no famil, members had been

contacted, the children would be taken to the children's camp, where they would get food, shelter and education. However, some alleged victims claim that they had been rounded up simply while they were helping or playing at a marketplace and that their family members lived nearby. According to the allegations received, their families were simply not contacted. Escape attempts were said to be punished. The Special Rapporteur wishes to point out that this issue will receive further attention in the final report, since the present section is mainly concerned with allegations of arbitrary arrest and illegal detention.

53. Scores of names were received of persons who were kept in detention without trial. A list of 94 persons reportedly arrested in 1990 and 1992 in the towns of Dilling, Umm Heitan, El-Obeid, Lagawa and Kadugli was submitted to the Government of the Sudan by the Special Rapporteur on 6 October 1993. It has been alleged that several of these persons were not tried before a court.

54. In cases where a trial did take place, allegations have been received that they did not meet the international standards for a fair trial. Access to legal counsel was said to be restricted or, in some cases, even absent. In this connection, the Special Rapporteur refers to the case of Kamal Mekki Medani and nine others, who were reportedly arrested without warrant on the night of 2-3 September 1993 in the town of Wad Medani and kept until the next day. They were accused of having organized a political meeting in the house of Kamal Mekki Medani and questioned about their relation with Amin Mekki Medani, brother of Kamal Mekki Medani, opposition member and President of the Sudan Human Rights Organisation. On 11 September 1993 they were, however, convicted of alcohol consumption and sentenced to 40 lashes by a public court in Wad Medani. The owner of the house was also sentenced to a fine and four months imprisonment. During the trial, the lawyer of the accused was reportedly denied the opportunity to read his defence plea, and witnesses were not permitted. Moreover, a medical report indicating that no alcohol had been found in their blood was not taken into consideration. Instead, the judge apparently based the sentence on the statement of the security officers who said that they had smelt alcohol. One security officer reportedly admitted that he had beaten Kamal Mekki Medani, but, according to the information received, no disciplinary measures were taken against him. The Special Rapporteur asked the Commissioner of Police if in similar cases a blood test was mandatory for establishing evidence of the consumption of alcohol. The answer to this question was negative.

5. Reprisals

55. The Special Rapporteur has received reliable information that several persons who had tried to contact the United Nations office during his visit to the Sudan or who had actually met the Special Rapporteur in relation to his mandate have been questioned and arrested by police and security forces.

56. Priest Aliaba James Surur, who met with the Special Rapporteur on 12 September 1993, was, according to his account, picked up at his home the following morning at 7 a.m. and taken to Security Headquarters at Khartoum, where he was kept for five hours. He claims to have been told to "be careful, the Special Rapporteur is now still here, but he will leave in two weeks and you will remain here".

57. On 19 September 1993, two representatives of the displaced students from southern Sudan presented a memo to a United Nations official at Khartoum, protesting against the closure of their schools. One of them, John Lokwer, was reportedly arrested after he left United Nations premises. His arrest was reported to the United Nations official the next day, on 20 September 1993, by two students representing a group of students who had gathered in front of the United Nations compound. Uniformed and armed police and security were present at the peaceful demonstration. The two students who reported the arrest were accompanied by a uniformed police officer and a security officer. As the police and the security officers left United Nations premises, they promised that John Lokwer would be released. A few minutes later a number of students were reportedly rounded up by the police in front of the United Nations office. Later, the authorities announced that the students were released, but to date no confirmation has been received.

58. At 1.30 p.m. on 23 September 1993, four women who had just communicated information to the Special Rapporteur were arrested by members of the police in front of the United Nations office at Khartoum. The Special Rapporteur witnessed two women being dragged on the street and forced into a police vehicle. A few minutes later, the police arrested, in the view of many witnesses, a group of about 25 persons, mainly women, who had been waiting in front of the United Nations office to meet the Special Rapporteur. Several were reportedly beaten up by police officers. The arrests took place despite reported assurances from government authorities that the peaceful assembly of the petitioners would not be interfered with.

59. In this connection, the Special Rapporteur would also like to note that security officers, presenting themselves as visitors, have frequented the United Nations library at Khartoum during the Special Rapporteur's mission. They reportedly harassed library visitors.

60. The Special Rapporteur raised several of the above cases with the Minister of Justice. The Minister replied that he would look into the cases, but said that some might have been arrested because they constituted an unlawful assembly under Sudanese law. He promised to send a detailed reply to the Special Rapporteur. However, to date no reply has been received.

61. With respect to these incidents, the Special Rapporteur is extremely concerned that those who had contacted the United Nations office during his mission and had come to speak with him have been subjected to reprisals. This fear is especially warranted given the apparent threat directed to Aliaba James Surur, as recounted above. The Special Rapporteur also wishes to note that, notwithstanding any consideration on the validity of the laws which may have been invoked, the effective result of these incidents was interference with the Special Rapporteur's investigations.

B. Central Sudan: the Nuba Mountains

1. Introduction

62. The piece of land commonly known as the Nuba Mountains is an area of approximately 30,000 square miles and it is located almost in the geographical centre of the Sudan. The administrative subdivisions in this territory belong to Kordofan State. In the 1980s, according to independent sources, the total number of indigenous people in the Nuba was around 1 million. This population is composed of a number of smaller communities, with distinctive ethnic, religious, cultural and linguistic features. Scholars identified at that time more than 50 languages and dialects, falling into 10 principal groups. Arabs were living together with tribes such as Daju, Tegali, Koalib, Tumtum, Talodi or Nymang. The name of the group often coincides with the name of the main village inhabited by them. Animist Africans, Christians and Muslims used to live together in past decades.

63. Social conflicts, mainly on a tribal basis, have occurred from time to time, but a settlement was reached in most of the cases according to local customs and traditions. However, these conflicts did not jeopardize either the historical relationship of different communities with their native lands and cultural environment, or the preservation of their ethnic and cultural identity. Intermarriage, or even the existence within the same family of persons belonging to different faiths, was not unusual. Beginning in the mid-1980s this situation changed dramatically. If the present process of uprooting of the Nuba communities is not stopped soon, it may be irreversible. This is the main reason for dedicating a separate section within the report to this issue.

64. Since geographically the Nuba Mountains area belongs to the north, opinions diverge concerning the political appurtenance of this area, if the conflict between the north and the south is considered. The precedents of recent conflicts started on a greater scale in 1983, when, as a consequence of former President Numeiri's new policy focusing on the implementation of Islamic Sharia law, local tribal administration was abolished. After this, bloody clashes between Arab and non-Arab groups became regular. Looting and raiding also became common. The first SPLA incursion in the Nuba took place in 1985, when more than 100 citizens were killed in an Arab Baggara inhabited village, Gardud, in the eastern part of the Nuba Mountains.

65. In 1987, the Ministry of Defence of the democratically elected Government of former Prime Minister Sadiq al-Mahdi initiated training and supply programmes for anti-SPLA tribal militias in southern Kordofan. These Arab militias were later known under the name of Murahalin. From that time, the situation has continued to deteriorate.

66. Part of the tribal militias were reorganized in 1988 as Popular Defence Forces (PDF). The situation of these paramilitary units was legalized by the promulgation by the present Government of a decree in November 1989. Hundreds of thousands of unarmed civilians are now completely exposed and defenceless to all kinds of atrocities committed on the one side by PDF, the army and other Government of Sudan agencies, and on the other side by SPLA troops controlling a large part of the Nuba Mountains. In addition, most of these citizens were lacking, in those years, basic health care, education and sometimes even food.

As a consequence, those who managed to survive attacks and who were not taken away decided themselves to leave their native lands. They form now part of the population of displaced camps all over the country.

67. For years, communication with the external world has been very difficult. In the last four years, international non-governmental organizations or independent observers have not been allowed to station or to operate in this area. During the last two years, a very few assessment missions had limited access to what was actually happening in the region. Sometimes it takes months to gather and to check information about specific events. In the meantime, all over the government-controlled area there is a visible and very strong military and PDF presence, as will be described below. In different villages, as well as in the countryside, many civilians can be seen carrying guns.

68. Humanitarian activities are carried out by national non-governmental organizations only in government-controlled areas.

2. General aspects

69. The visit of the Special Rapporteur to the Nuba Mountains area took place between 17 and 21 September 1993. For security reasons, visits to Umm Sirdiba, Umm Rakuba, Umm Dorein and Lagawa were cancelled at the last moment. The Government of Sudan, understandably, did not give clearance for travel across the front line. Some locations, such as Heiban, were, from the very beginning, excluded from the list, either for security reasons or because it was impossible to travel there during the rainy season. A visit to SPLA-controlled areas envisaged as a non-cross-line mission was cancelled, also at the last moment, for security reasons. It is to be stressed again that the Government of Sudan did not oppose such a visit, but in the same time did not give any written clearance for flights to these areas with departure from locations that are not under its control.

70. As a consequence, during this first mission, the Special Rapporteur visited only locations under Government of Sudan control. The evidence gathered on this occasion relates to cases of gross violations of human rights committed in the area. It should be mentioned again that given the complexity of this issue these cases must be considered as elements of a larger context. This context is marked by an ongoing and in many respects already self-generating process of eradication of the traditional Nuba community structure. It is for this reason that the present section of the interim report does not deal only with events that occurred mainly in 1993, but goes back to the 1980s. The responsibility of both the Government of Sudan and SPLA must also be emphasized.

71. On 17 September the attempt to land in Dilling failed because of a wet airstrip. The delegation - members of the mission and two government officials from Khartoum - returned to El-Obeid and drove back to Dilling. The time of this stopover was used to visit El-Obeid prison.

72. In Dilling, the Special Rapporteur was informed by members of the so-called "Peace Group" that they were dealing with the general relief, health, education, and accommodation problems of displaced persons in southern Kordofan, in the districts of Dilling, Kadugli, Salam and Rashad. As it was found out later, the

complete name of this government body, which was also in charge of the logistics of the mission of the Special Rapporteur to the Nuba Mountains, was Peace and Resettlement Administration for South Kordofan. The representatives of the Peace and Resettlement Administration gave the following information: in several locations in the area, owing to continuous SPLA attacks and harassment of civilians, 130 schools and 70 health centres were closed down in the last few years. Two million acres of cultivated lands were practically out of use. At the same time, according to statistics of the Peace and Resettlement Administration from September 1992, there were in the area, at that time, 91 displaced camps ("peace villages") with a total population of 167,265. The influx of returnees varies: there are days when almost 100 returnees come in and there are periods when nobody comes. Twenty per cent of the returnees are between the ages of 15 and 45 (65 per cent of them women), the remaining 80 per cent being children under 15 and elderly persons over 45 years old. These figures refer to the four above-mentioned areas. According to SPLA sources, an estimated population of 200,000 to 250,000 is still in the area of the Nuba Mountains under their control.

73. The information gathered needs no special comments. Mohammed Zahwa, Chief of the Wali tribe (west of Dilling) told the Special Rapporteur during the official meeting with representatives of the Peace Group and chiefs of tribes in Dilling that his tribe once of approximately 29,000 souls was completely displaced from its native land. Nine thousand of them are in Dilling and Angarko camp, the rest being scattered all over the country. He mentioned that the main village of his tribe was burnt down by 40 army troops on 1 August 1989.

74. All chiefs of tribes met by the Special Rapporteur in Dilling underlined that the displacement of people in Dilling district started in the summer of 1989. The Chief of the Salara tribe said that his tribe coexisted peacefully until 1989 with other groups, and that "the Nuba formed one community up to that date". The Chief of the Katla tribe said that, over the last four years, 67 children and women were killed by the rebels, and "2,000 tribal people are under camp-arrest in the Katla Mountains". It must be noted that according to several reliable independent sources the Katla tribe is especially targeted by the Government of Sudan forces because it is suspected of close collaboration with SPLA.

75. The next day, on 18 September, the mission visited Salara, a location 20 km west of Dilling. A Government of Sudan source indicated in April 1993 that Salara was a "peace village" in the Dilling-Kadugli area. The United Nations team that assessed the area in March 1993 did not visit Salara, but noted that an estimated 1,700 displaced persons were at that time still there. No national non-governmental organization was reported as providing services there. The Special Rapporteur received the following information from local people: the number of people still in Salara is around 2,500. Five to 10 persons leave weekly for Dilling. The area was attacked for the first time in 1991 (village of Kook). The last attack took place on 3 September 1993 on the village of Shibli and two people were killed. Upon arrival in Salara, the Special Rapporteur was introduced to an old man who had recently escaped from the village of Shibli. He told the Special Rapporteur the following about an attack on 3 September 1993:

"I was from Shibli, a village near a hill not far from here. It was in the evening that the shooting started. They entered every house, took all valuables and killed Mohammed Musama, 35 years old, and Duldum Musama, who was about 50 years old. They had uniforms and weapons, the same as the army. There were 21 rebels. We killed two of them. Now I cannot sleep at night. For four years I have no rest."

76. The Government considers Salara a "peace village". Villagers mentioned, however, that the army and PDF units stationed in Salara are not able to provide efficient protection to people in the targeted area, and, in fact, everybody is preparing to leave sooner or later. It is to be mentioned that on the Special Rapporteur's request for a list of "peace villages" in the region, the Peace Group representatives listed Salara again as a "peace village".

77. Along the road from Dilling to Salara there is a deserted small village, Hajr Sultan, previously inhabited by approximately 2,000 families belonging to the Nimanji tribe. The first attack on this village, according to Ismail Sunna, the Chief who is living now in Dilling and accompanied the mission, took place in 1990. He alleged that owing to repeated SPLA incursions all the people from that location were displaced. The last six villagers left the week before the Special Rapporteur's visit. The Special Rapporteur saw empty huts that appeared to have been out of use for at least one year, since they were covered by creeper. No traces of fire were seen.

78. Before leaving for the district of Dilling, the Special Rapporteur paid a short visit to the Angarko camp for displaced persons, 5 km south-east of Dilling. According to a UNICEF report of March 1993, the total number of displaced persons in the camp at that time was 3,270. According to Government of Sudan officials, the population of the camp during the Special Rapporteur's visit was 1,222. No convincing explanation was given for this significant difference. South of the camp there is a large agricultural area, where displaced people, according to the UNICEF report, grow their own crops in a large cooperative scheme. The Special Rapporteur saw a lot of people working on this place in the afternoon during his way to Kadugli. It must be mentioned that the whole area is marked by a strong military presence. To travel from Dilling to Kadugli is possible only by joining the daily military-escorted car-convoy, starting at 11.00 a.m. from Dilling. It must also be noted that along the road from Dilling to Kadugli a lot of armed civilians were seen, walking around apparently without any specific reason.

79. As a general impression, the Special Rapporteur would like to note that his visit in Dilling and surroundings was carried out under strict security, which was not hidden at all. An impressive military escort was also provided. The Special Rapporteur expressed his desire to walk with his team around the market on the evening of 17 September. The local authorities agreed, but an escort of at least 15 civilians accompanied the Special Rapporteur. During this walk, a man who was introduced to the Special Rapporteur as the local security chief showed to him a number of trucks parking next to the main road. He said that the trucks were transporting crops to northern Kordofan in order to help less wealthy areas of Kordofan State. The Special Rapporteur managed to talk to some individuals, and he was assured that the people of Dilling knew about his visit from foreign media coverage. Government of Sudan officials met with the request of the Special Rapporteur to speak privately to some individuals.

80. There are several reports on the declaration of jihad, or the holy war, in southern Kordofan by local authorities. According to Sudan Update, vol. 4, No. 11, spring-summer 1993, an organization called African Rights reported in January 1992: "The Wali (Governor) of Kordofan, together with the head of the militia, declares a jihad in the Nuba Mountains. Additional army units and mujahidin volunteers from northern Kordofan were brought into the area to swell the ranks of the Popular Defence Forces and existing army units." The Special Rapporteur notes that the mere existence of any organization called "militia", or persons called "mujahidin" is strongly denied by Government of Sudan officials, as well as the fact of the declaration of jihad. As a matter of fact, there is, on a hill situated along the road between Dilling and Kadugli, approximately 8 km from Kadugli, a large white inscription in Arabic "Kadugli, the jihad" which can be seen from some distance by those who are travelling on this route. The inscription can be seen very well during the day also by people of displaced camps around Kadugli.

81. In Kadugli, the Special Rapporteur had official meetings with four Nuba chiefs: Mohammed Al-Zaki Ali, Emir of southern Nuban tribes; Osman Bilal Hamid, Emir of Hawazma-Rawanya of Kadugli; Mohammed Rahma Lashu, Emir of the tribes of Heiban; and Kafi Tayar Badin of the Shat tribe. Separately, the Special Rapporteur also had an official meeting with 30 chiefs of different factions from the Kadugli district. A briefing was arranged with Major Adel Abdul Rahman Mohhan, the commander of local PDF forces. The Special Rapporteur, during his visit to Kadugli, also had private meetings and received testimonies from 17 individuals. The mission was accompanied in Kadugli district by the same members of the Peace and Resettlement Administration of Southern Kordofan and Government of Sudan officials from Khartoum. Impressive military and civil security escort was provided, as in Dilling.

82. The chiefs of the tribes said that SPLA was responsible for all atrocities committed and damages caused in the Kadugli area in recent years. According to their allegations, atrocities started here in August 1987, when a number of traders were killed in the village of Umm Dulu. During the last years, the most-targeted locations were: Umm Sirdiba, Agab, Hebeyil, Karkarai Al-Bira and Al-Hamra, from which a lot of people have been evacuated to government-controlled areas. Attacks took place also on: Tukswana, Abu Safifa, Dandur, Al-Bukhas (where, in November 1988, 60 people were allegedly killed on the same day, including the local chief), Tash, Al-Sha'ir, Bardad, Shat, Talodi, Kalogi, Al-Liri, Tess, Katcha and Al-Azrag. The following locations were mentioned as SPLA-controlled areas at the time of the visit: Eiri, Tudji, Kalkada, Umm Durdu, Tajura, Andarafi, Al-Azrag, Abu Jarkula, Sahab, Sirif, Shawaya, Kauda, Agrun, Lubi, Kubang, Timbera. The chiefs mentioned that local leaders and their relatives, especially, were victims of killings. The Special Rapporteur asked them to give an idea of the people still in their original villages.

83. No precise information was gathered concerning this aspect. The Emirs answered that in this respect there is "total confusion", and that they cannot even estimate the total figures. They mentioned villages like Al-Hamra, Abu Safifa, Dandur, Karkaraya, Tash, Tukswana, Agadas and Al-Atmur as still being inhabited by indigenous populations. In Al-Bukhas, some villagers moved back in 1993. Local chiefs or different factions gave the following account of empty villages: from 176 of their villages at least 73 were empty in September 1993, and some of the rest surrounded or besieged by SPLA troops. According to

individuals who gave testimonies, authorities in Kadugli, in several cases, facilitated departure, for instance by providing transportation by trucks. Heiban was mentioned as one of the examples; in 1989, 40 trucks transported people from Heiban to Kadugli.

84. During these official meetings, a very dark picture was drawn up. Allegations concerning a wide range of gross violations of human rights and atrocities committed by SPLA were formulated. Several cases of killings and torture of unarmed civilians, men, women and children, rape, kidnapping and forced military training of children, burning down of houses and looting were mentioned by local chiefs. Lists containing hundreds of names of victims were provided, as well as lists concerning material damages caused. On the other hand, SPLA sources gave a figure of 79 villages devastated allegedly by Government of Sudan troops since 1989. Independent sources also provided a list to the Special Rapporteur containing more than 400 names of, mainly, Nuba intellectuals or people who used to belong to local élites and who allegedly disappeared in the same period. Since, as mentioned, a visit to SPLA-controlled areas was not possible in September 1993, the Special Rapporteur considers that a field mission is necessary to clarify the situation and to gather further evidence from different sources, in accordance with the general methodology of this mandate.

85. The Special Rapporteur asked for visiting locations situated around Jebel Saburi (the hill of Saburi). He also wanted to visit the villages of Al-Atmur (36 km from Kadugli), Al-Hamra (29 km from Kadugli) and Kailak (117 km from Kadugli), where camps for displaced persons were mentioned. Local security and military officers warned the Special Rapporteur about the difficulties of access by car during the rainy season. Having in mind the experience of the travel to Jebel Saburi area, these visits were cancelled. To reach the closest village of the area took more than four hours because two cars were stuck in the mud. The day of 19 September was spent visiting two locations around Jebel Saburi, namely Saburi and Laguri. There were reports from reliable sources regarding recent army and PDF raids on villages around the hill of Saburi.

86. The Special Rapporteur gathered information in Saburi and Laguri as follows. In Saburi there is a population of 700 to 800. One year ago, the number was more than 2,000. The first SPLA attack in this area, but not on the village of Saburi, took place in 1988, according to local people who gave testimonies. The last one was in April 1993. Saburi was attacked in July 1992 and a man called Nimir lost his life. There is a PDF unit stationed in the village to defend inhabitants. The only schools in the area used to be in Al Efen, but it has been closed down since 1988. There is no health-care activity. Sick people have to go to Kadugli to consult a physician. The same situation exists in Laguri. The population of the village of Laguri in September 1993 was 1,653. The local chief said that since 1989 many people had left for Kadugli. He mentioned that Laguri was not attacked, but after 1991 some other villages in the surrounding area were attacked, as well as civilians who were with their cattle outside of the village. For instance, in March 1992 Regeijik Hammad's animals were taken away and Issa Sadiq lost his life when he, with others, tried to trace the aggressors. The Special Rapporteur saw a lot of people walking between Kadugli and these villages, both civilians and persons wearing uniforms as well. Some of the civilians were carrying guns.

87. Testimonies collected in different places from individuals with no relation to each other confirmed that some joint PDF and army incursions took place in the village of Ruseris in the Jebel Saburi area. The name of this village was mentioned by the local chief in Saburi as one which had joined SPLA. Later testimonies described the events as follows: during October 1990, Government of Sudan troops operated an incursion in Ruseris and rounded up villagers accusing them of cooperation with SPLA. Some of those taken away at that occasion were in Saburi in September 1993. A similar operation was carried out in November 1991. The local chief from Laguri was, at that time, in a village called Atraya and heard shooting from the direction of Ruseris. Forty local public employees and traders were taken away, witnesses said, and, since September 1992, nobody knows about their fate, although relatives were told that they are detained in El-Obeid prison. In November 1991, the same action took place in Saburi Saraf. At that occasion, 14 people were taken away by PDF and army troops.

88. The population of villages situated around the front line is the most exposed. Civilians living in such locations are continuously suspected by both sides. As many of the testimonies indicated, after fighting has taken place and SPLA troops have been forced to leave these places, PDF and army units are given orders to collect civilians - mainly women, children and elderly men - and to take them to Government of Sudan-controlled peace villages. Those who manage to escape from this kind of situation in most cases will leave of their own will because of the general insecurity and lack of basic needs. The cases of Umm Sirdiba and Kalkada are paradigmatic in this respect. The village of Umm Sirdiba was attacked by the army and PDF first in December 1990, witnesses said. Because of the resistance of SPLA units Government of Sudan troops were forced to withdraw, but since that time continuous fighting has taken place. The population of Umm Sirdiba is now scattered all over the country. The Special Rapporteur was told that in September 1993 the area was controlled by SPLA. The same happened in a village called Kalkada in the Heiban district. The difference is that there SPLA initiated attacks in 1989. In May 1990, the army, while chasing out the rebels from the village after an incursion, started to burn down houses. Sixty people were killed at that time, among them Mohammed Said (60), Carlu Lalu (40) and Al Makki Kardella (17). In June, another 20 were killed in Kalkada. Many women and children lost their lives, and most of the villagers left. As mentioned above, the area was controlled in September 1993 by SPLA.

89. Government of Sudan officials denied allegations of violations of human rights and atrocities committed by the army and PDF. The PDF Commander in Kadugli told the Special Rapporteur that PDF was created "by the people and for the people, to defend themselves by themselves" because the army was not able to cover and provide protection for "such a vast area". PDF members are provided guns by the Government of Sudan, and they operate strictly under the command of the army, according to the Commander. In different areas, PDF units are created by local people, and they elect the leader of the unit. At the same time, the Special Rapporteur must mention that there are some serious concerns about the efficiency of the military control over local PDF units. The area is indeed vast, on the one hand, lacking basic communication lines, as the Kadugli Commander mentioned; on the other hand, all over the area armed civilians are walking around for no apparent reason. In addition, the only formal

requirements to become a member of the PDF are Sudanese citizenship and the age of 18.

3. Special concerns

90. The Special Rapporteur, in this interim report, would like to draw attention to the specific cases in the Nuba Mountains area, which are discussed below.

(a) Extrajudicial killings and summary executions

91. In a letter dated 6 October 1993 to the Minister of Justice, the Special Rapporteur raised the case of Issa Sharif Ahmed, Musa Sharif Ahmed, Khalifa Adam Azraq and Ahmed Azraq, who, according to the information received, were taken away from El-Obeid prison at the end of May 1993 and executed by military intelligence in an area outside the village of Salara.

92. In the same letter, the Special Rapporteur gave the names of nine persons who were reported to have disappeared from El-Obeid prison. Three of these persons allegedly died as a consequence of torture and ill treatment: Ismail Sultan (April 1992), Kortobeir Bashir (June 1992) and Ibrahim Bashir (January 1990).

93. The allegations concerning killings committed by SPLA need further investigation.

(b) Enforced displacement

94. Witnesses have confirmed to the Special Rapporteur that during the summer of 1992 a great number of displaced persons were removed from camps around Kadugli to the northern part of Kordofan State following an initiative of authorities in El-Obeid. Reports mentioned the figure of 30,000 people. This might be the real figure, since people witnessing the operation told the Special Rapporteur that approximately 200 trucks were used to take away people. Muslims and Christians were driven away without differentiation, but, as sources mentioned, only Nubans were involved. Local people do not know what happened to these people later on. Only one witness mentioned to the Special Rapporteur that there was news circulating that some had died in Al-Nuhud camp in north Kordofan.

(c) Freedom of expression and freedom of movement

95. According to reliable information and testimonies received from different sources, the situation of Christians in the Government of Sudan-controlled areas in the Nuba Mountains remains particularly difficult, although, since May 1993, some improvement was reported. For instance, 40 days before the Special Rapporteur's visit to Kadugli, in Al-Salam camp next to Kadugli - with around 100 Christians - prayers and celebrations were allowed. A written permit had not yet been issued, and this situation characterizes all the camps in that area.

96. Around Kadugli, there are still Christian communities in areas such as Katcha, Shat, Umm Dorein, Tira Lumu, Heiban, Atoro, Tabanya, Angolo or Moro.

Between these areas, there is no contact at all, since a restriction of circulation is imposed for clergymen in these areas. Religious services are provided by catechists. In Kadugli, there are around 10,000 Christians (the total population according to ratio cards is 130,000). All of them go to the Catholic church to pray. Contacts are almost non-existent with the Sudanese Council of Churches, local sources told the Special Rapporteur.

IV. CONCLUSIONS AND RECOMMENDATIONS

A. Conclusions

97. Since the adoption of resolution 1993/60 in March 1993, an increasing flow of information on the situation of human rights in the Sudan, originating from a wide variety of sources, has reached the Special Rapporteur. In addition, the Special Rapporteur paid a two-week visit to the Sudan, where he heard many testimonies and visited several locations of interest to his mandate. Further, he collected a significant amount of information during his visits to Kenya and Egypt. Careful examination of the information has shown a number of consistent elements in the reports and testimonies received. In many instances, allegations have been corroborated by first-hand information obtained from witnesses, many of whom came to meet the Special Rapporteur during his mission in the Sudan, despite their fear of reprisal.

98. On the basis of the information received, the Special Rapporteur has no hesitation to conclude that grave violations of human rights have taken place in the Sudan, including large numbers of extrajudicial killings, summary executions, enforced or involuntary disappearances, systematic torture and widespread arbitrary arrest of suspected opponents. In addition, it appears that several persons have been subjected to reprisal after they had communicated information to the Special Rapporteur. The Special Rapporteur concludes that serious human rights violations occur on a particularly large scale in the Nuba Mountains, where the Government seems to tolerate the policy pursued by local authorities of depopulating the area in the combat against SPLA. A significant component of this policy appears to be the forced relocation, sometimes the mass relocation, of the Nuba population.

99. The total amount of information received by the Special Rapporteur relates, however, to a wider range of violations, on which he will fully report to the Commission on Human Rights. In so far as the violations in the conflict zones are concerned, the Special Rapporteur notes that serious abuses have been committed by the two SPLA factions. As mentioned before, these abuses will be included in his next report. However, in view of the serious consequences of the armed conflict for civilians, the Special Rapporteur has found it necessary to refer in one recommendation to all parties involved in the conflict, and not only to the Government of the Sudan.

100. With regard to the situation of human rights in the Nuba Mountains, the Special Rapporteur, having carefully studied the information he has assembled in the form of reports, documents, oral and written testimonies, photographs and videotapes, expresses his serious concern over violations for which the Government of the Sudan bears responsibility. These violations committed by the Sudanese Army and the paramilitary forces under its control exceed by far the

derogations permitted under a state of emergency and seem to be of such a grave nature that the fate of the Nuba communities in the area may be questioned.

101. In the light of the above, the Special Rapporteur concludes that the seriousness of the human rights situation in the Sudan demands continuing and intensified monitoring. To this end, the Special Rapporteur would require unlimited access to all areas of concern and would need adequate resources to carry out his mandate. In addition, the situation should be monitored by national and international non-governmental human rights organizations. Immediate and thorough investigations should further be carried out by the Government of the Sudan. In this connection, the Special Rapporteur welcomes the recent establishment of the Higher Coordinating Council for Human Rights by the Government of the Sudan and the creation of an office to receive complaints from citizens on abuses by the security forces. The Special Rapporteur looks forward to receiving more detailed information on the terms of reference and the methods of work of the Council. At the same time, the Special Rapporteur hopes to receive a response from the Government to his letters dated 12 September and 6 October 1993 concerning specific cases referred to in section III, which thus far remain unanswered.

B. Recommendations

102. The Special Rapporteur recommends that:

(a) The Government of the Sudan abide by its human rights obligations under international law and that the Government further be urged to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(b) The Government of the Sudan ensure that its security forces, army, police forces, the Popular Defense Forces and other paramilitary or civil defence groups be properly trained and act in compliance with the standards set under international law, and that those responsible for violations be brought to justice;

(c) The Government of the Sudan give free access to regional and international humanitarian and human rights organizations throughout the country, in particular in the Nuba Mountains and the cities of southern Sudan;

(d) The Government of the Sudan complete, as soon as possible, the investigations into the events in Juba in June and July 1992 and that the report be made public;

(e) The Government of the Sudan carry out immediate investigations into the human rights violations reported in the Nuba Mountains and other Government-controlled areas in southern Sudan;

(f) The Government of the Sudan and the other parties involved in the armed conflict in central and southern Sudan be urged to cease immediately all attacks on civilians and to fully ensure access to food and health care to all those in need; to agree, as soon as possible, on a cease fire and to intensify their efforts to come to a peaceful solution; and, finally, to address the

problem of displacement and create appropriate conditions for displaced persons to return to their homelands.

Notes

1/ E/CN.4/1993/35.

APPENDIX

Note verbale dated 18 October 1993 from the Permanent Mission of the Republic of Sudan to the United Nations Centre for Human Rights at Geneva

The Permanent Mission of the Republic of Sudan to the United Nations Office and other international organizations at Geneva presents its compliments to the Centre for Human Rights and has the honour to convey that the Government of the Republic of the Sudan, in its quest to strengthen its declared policy of respect for human rights, undertook the following measures to monitor and safeguard the human rights of its citizens:

Firstly: the Higher Coordinating Council for Human Rights

The Council was established under the guidance and auspices of the head of State and is chaired by the Chairman of the Transitional National Assembly with the Minister of Justice as Rapporteur to the Council.

All relevant government and departments are represented in the Council, i.e. the Ministry for Foreign Affairs, the Attorney General's Chamber, the Security Forces, the Ministry of Internal Affairs, the three Commissioners for Refugees, Relief and Displaced, non-governmental organizations and the various Sudanese human rights groups.

An executive Committee of the Council was formed from representatives of the Ministry for Foreign Affairs, the Attorney General's Chamber and the Security Forces to run the daily and urgent tasks such as responding to any questions or complaints about human rights in the Sudan.

Secondly: The Government has already set up an office to receive any complaints by the citizens of any abuses by the Security Forces.

This office is currently assuming duties in a regular manner.

The Centre is kindly requested to include the above in the appropriate documentation for the forthcoming fiftieth session of the Commission on Human Rights.